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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,191	04/10/2000	Kazunori Hashimoto	Q58786	2985

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Sughrue Mion Zinn Macpeak & Seas PLLC
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/24/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/546,191

Applicant(s)

HASHIMOTO, KAZUNORI

Examiner

Michael W. Hoyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 12/23/03 with respect to the RCE filed on 2/24/04 have been fully considered but they are not persuasive.

Regarding independent claims 5 and 8, the Applicant argues that, "Eyer fails to teach or suggest that the region specific IPG data (i.e. alleged area code) is transmitted separately from the IPG data (i.e. alleged program data)."

In response the Examiner respectfully disagrees with the Applicant because the claimed area code is transmitted to the terminals separately from said program data is met by region assignments or area codes that may be transmitted in a broadcast to an IRD (Integrated Receiver Decoder), separate from the program data, such as in the video blanking interval (col. 21, lines 23-30, more specifically lines 27-30).

Claim Objections

2. Claim 5 is objected to because of the following informalities: in line 5 of the claim, the words "end head" should be reversed to read --head end--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (USPN 6,160,545), cited by the Examiner.

As to claim 5, note the Eyer et al reference which discloses a CATV conditional access system. The claimed digital head end for transmitting picture signals of digital programs to terminals provided in a plurality of areas is met by either of the multiplexer, modulator and encoder systems 100 or 140 (see Figs. 1 & 2, and col. 5, lines 45-53; col. 5, line 62 – col. 6, line 6; col. 6, lines 17-24; lines 32-35; col. 7, lines 1-2 & 65-67; col. 2, lines 30-31; and col. 5, lines 14-15). The claimed digital head end transmits an area code allocated to each area to terminals provided in each area is met by region identifying data or, more specifically, region assignments that may be broadcast to an IRD (col. 21, lines 23-30, specifically lines 27-30), which is used to recognize an area to which each of the terminals belongs is met by using the regional data to recover the data for its region (col. 8, lines 53-59). The claimed digital head end transmits program data to the terminals provided in each area is met by the packet stream that is transmitted from the headend to the set top boxes (STB) or integrated receiver decoders (IRD) 130, which includes Interactive Program Guide (IPG) data or program data (see Figs. 1-4 and col. 8, lines 43-52), also channel map data or table are transmitted which include program ID's or PIDs as well as other programming service data (col. 9, lines 24-35). The claimed digital programs of not-yet-provided services in the respective areas and information regarding the digital programs is met by the data received for programs services which are not defined or available to the receiver (col. 9, lines 24-29). The claimed each of the terminals identifies said area code and said program data and excludes a picture signal of a digital program of a not-yet-

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provided service from the picture signals of the digital programs transmitted from said digital head end in an area to which the terminal belongs is met by the IRD or terminal, which performs filtering to determine which portion of the programming services is needed, and whereby the data and services for the areas to which the terminal is not assigned is ignored or discarded (col. 6, lines 59-64). The claimed said area code is transmitted to the terminals separately from said program data is met by region assignments that may be transmitted in a broadcast to an IRD, separate from the program data, such as in the video blanking interval (col. 21, lines 23-30, more specifically lines 27-30). Eyer et al does not specifically disclose a plurality of analog head ends in the respective areas, each analog head end transmitting both the picture signals of digital programs transmitted from the digital head end and picture signals of analog programs to terminals belonging to each area... However, the Examiner takes Official Notice that it is notoriously well known in the art of video distribution systems to include a central head end or hub, such as, a digital head end, with a plurality of local or sub-head ends, such as, analog head ends, for the advantage of having a single national or central head end distribution center for transmitting video programming to local regions which may further distribute the video programming to a plurality of local and/or regional terminals, and in addition to, may add additional local and/or regional programming to the distributed video programming signals. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have included a plurality of analog head ends in the respective areas, each analog head end transmitting both the picture signals of digital programs transmitted from the digital head end and picture signals of analog programs to terminals belonging to each area... for the advantages given above.

As to claim 6, the claimed said terminal identifies said area code and said program data so as not to display a picture of a relevant digital program by not demultiplexing a multiplexed picture signal of said relevant digital program among a plurality of multiplexed digital picture signals is met by the IRD 130 (or terminal) performs filtering to determine which portions of the IPG (or EPG) data, programming service, and channel map is needed. The region and other data received from the headend for regions or areas other than the specific region to which the IRD or terminal is assigned and/or programming service that are not available to the IRD are ignored or discarded by the terminal. Based on the filtering of the IRD, the terminal will inherently not demultiplex a multiplexed picture signal of a digital program that is not applicable to the services provided in a region or area code (col. 6, lines 40-64; col. 8, lines 43-50; col. 9, lines 14-16 & 22-29; and col. 10, lines 54-56).

As to claim 7, the claimed said terminal identifies said area code and said program data so as to exclude electronic program guide (EPG) information related to the digital program of the not-yet-provided service from EPG information transmitted from said digital head end is met by the IRD 130 or terminal performs filtering to determine which portions of the IPG or EPG are needed. The IPG data received from the headend for regions or areas other than the specific region to which the IRD or terminal is assigned are ignored or discarded by the terminal (col. 6, lines 59-64; col. 8, lines 43-50; col. 9, lines 14-16 & 22-29; and col. 10, lines 54-56).

As to claim 9, the claimed network information data and program guide information data are sent simultaneously with the program data to the terminals provided in each area is met by a combined signal containing the IPG (program guide) data, global programming services, and channel map data or network information data (col. 6, lines 13-16).

As to claim 8, note the Eyer et al reference which discloses a CATV conditional access method. The claimed step of providing a digital head end for transmitting picture signals of digital programs to terminals provided in a plurality of areas is met by either of the multiplexer, modulator and encoder systems 100 or 140 (see Figs. 1 & 2, and col. 5, lines 45-53; col. 5, line 62 – col. 6, line 6; col. 6, lines 17-24; lines 32-35; col. 7, lines 1-2 & 65-67; col. 2, lines 30-31; and col. 5, lines 14-15). The claimed transmitting...an area code allocated to each area to the terminals provided in each area is met by region identifying data or, more specifically, region assignments that may be broadcast to an IRD (col. 21, lines 23-30, specifically lines 27-30), which is used to recognized an area to which each of the terminals belongs is met by using the regional data to recover the data for its region (col. 8, lines 53-59). The claimed transmitting program data to the terminals provided in each area is met by the packet stream that is transmitted from the headend to the set top boxes (STB) or integrated receiver decoders (IRD) 130, which includes Interactive Program Guide (IPG) data or program data (see Figs. 1-4 and col. 8, lines 43-52), also channel map data or table are transmitted which include program ID's or PIDs as well as other programming service data (col. 9, lines 24-35). The claimed digital programs of not-yet-provided services in the respective areas and information regarding the digital programs is met by the data received for programs services which are not defined or available to the receiver (col. 9, lines 24-29). The claimed step of identifying said area code and said program data so as to exclude a picture signal of a digital program of a not-yet-provided service from the picture signals of the digital programs transmitted from said digital head end in such an area to which the terminal belongs is met by the IRD or terminal performs filtering to determine which portion of the programming services is needed, the data and services for the

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areas to which the terminal is not assigned is ignored or discarded (col. 6, lines 59-64). The claimed said area code is transmitted to the terminals separately from said program data is met by region assignments that may be transmitted in a broadcast to an IRD, separate from the program data, such as in the video blanking interval (col. 21, lines 23-30, more specifically lines 27-30). Eyer et al does not specifically disclose a plurality of analog head ends in the respective areas, each analog head end transmitting both the picture signals of digital programs transmitted from the digital head end and picture signals of analog programs to terminals belonging to each area, [and] transmitting through said analog head ends an area code. However, the Examiner takes Official Notice that it is notoriously well known in the art of video distribution systems to include a central head end, such as, a digital head end, with a plurality of local or sub-head ends, such as, analog head ends, for the advantage of having a single national or central head end distribution center for transmitting video programming to local regions which may further distribute the video programming to a plurality of local and/or regional terminals, and in addition to, may add additional local and/or regional programming to the distributed video programming signals. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have included a plurality of analog head ends in the respective areas, each analog head end transmitting both the picture signals of digital programs transmitted from the digital head end and picture signals of analog programs to terminals belonging to each area... for the advantages given above.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The Examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoyer
March 19, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600